



Bexhill 6th Form College

# **CONFLICTS OF INTERESTS POLICY**

**POLICY NUMBER: SG8**

Reviewed & Approved by Search Committee: **Sept 2021**  
Approved by Corporation: **Oct 2021**

# CONFLICTS OF INTERESTS



Bexhill 6th Form College

## POLICY STATEMENT

Every sixth form college in England is an exempt charity and while regulated by their principal regulator, the Department for Education, those running such institutions are still required to abide by charity law.

Charitable status places a duty on Governors of colleges to act in the best interests of the charity and avoid situations where there may be a potential conflict of interests.

## WHY WE HAVE A POLICY

1. This policy aims to ensure the successful management of conflicts of interest, or potential/perceived conflicts of interest, which may arise specifically from any aspect of the College's activities. It is intended to supplement good judgement.

## CONFLICTS OF INTERESTS

2. Conflicts of interests may arise where an individual's personal or family interests and/or loyalties conflict with those of Bexhill College Corporation. Such conflicts may create problems that:
  - inhibit free discussion;
  - result in decisions or actions that are not in the interests of the Corporation; or
  - risk the impression that the Corporation has acted improperly.
3. The aim of this policy is to protect both the Corporation and the individuals involved from any appearance of impropriety. It is aimed to protect the integrity of the decision-making processes at governance level, to enable our stakeholders to have confidence in our integrity, and to protect the integrity and reputation of those involved with governance.
4. Governors are reminded that, in accordance with the Instrument and Articles of Government, they must disclose to the Corporation any direct or indirect financial interest they have, or may have in:
  - a) the supply of work to the College or the supply of goods for the purposes of the College; or
  - b) in any contract or proposed contract concerning the College; or
  - c) in any other matter relating to the College; or
  - d) any other interest of a type specified by the Corporation in any matter relating to the College, or any duty which is material and conflicts or may conflict with the interests of the Corporation.
5. If an interest of any kind (including an interest of a connected person) is likely or would, if publicly known, be perceived as being likely to interfere with the exercise of a Governor's independent judgement, then:
  - a) the interest, financial or otherwise, should be reported to the Clerk;
  - b) the nature and extent of the interest should be fully disclosed to the Corporation before the matter giving rise to the interest is considered;
  - c) if the Governor concerned is present at a meeting of the Corporation, or any of its committees at which supply, contract or other matter constituting the interest is to be considered, they should:
    - i. not take part in the consideration or vote on any question with respect to it and shall not be counted in the quorum for that meeting; and
    - ii. withdraw from that Corporation or committee meeting where required to do so by a majority of Governors of the Corporation or committee present at the meeting.

## CONNECTED PERSONS

6. Governors should be aware that conflicts of interests can arise not only through themselves personally, but also when the interests of those connected to them are incompatible or in competition with the interests of the college.
7. 'Connected persons' are defined in charity law: under the Charities Act 2011 s.188, a person is connected with a trustee if they are:
  - a) a <sup>1</sup>child, parent, grandchild, grandparent, brother or sister of the trustee;
  - b) the spouse or civil partner of the trustee or of any person falling under paragraph a);
  - c) a person carrying on business in partnership with the trustee and with any person falling within paragraph a).

## MANAGING CONFLICTS OF INTERESTS

8. The basic principle regarding all Governors is that they should not receive any benefits over and above those that are available to those that use the College, and should not influence decisions that have a direct impact upon them. Governors should be alert to all the circumstances where a conflict could arise.
9. Completing an annual declaration of interests raises awareness of possible issues. Any declaration should include isolated incidents, such as gifts and hospitality from a potential contractor, when considering their interest in a decision.
10. Governors must not receive gifts, hospitality or benefits of any kind from a third party which might be seen to compromise their personal judgement or integrity. Any offer or receipt of such gifts, hospitality or benefits should immediately be reported to the Clerk.
11. The Clerk will maintain a Register of Governors' Interests which, in accordance with the Instrument and Articles of Government, will be open for public inspection. Governors must disclose routinely to the Corporation all business interests, financial or otherwise, which they or connected persons to them may have. Governors must give sufficient details to allow the nature of the interests to be understood by enquirers.
12. The Clerk, as holder of the register of interests, together with the Chair of Governors, should be watching for conflicts. If in doubt as to whether or not they are in a position of conflict, Governors should err on the side of openness and declare their interest. Where a Governor fails to declare an interest, the Clerk or the Chair of Governors may need to do so on behalf of the individual Governor.

## MANAGING A CONFLICT WHEN MAKING A DECISION

13. At the start of each meeting, Governors are asked to declare any new, existing or potential conflicts on interest in relation to the items on the agenda. At the appropriate item in the agenda, the specific conflict should again be declared, even though the general conflict may already be noted in the register. This allows Governors to prevent any appearance of impropriety by ensuring that the Governor in question:
  - has declared the matter as promptly as possible;
  - is not involved in the discussion and the decision; and
  - does not obtain information from an earlier discussion that would allow him/her to influence the final decision.
14. The Clerk will ensure that the conflict (actual, potential or perceived) is then recorded together with the steps taken, or planned, to monitor and manage the conflict.

---

<sup>1</sup> Also includes step child/parent/brother/sister

## **MAINTAINING THE QUORUM**

15. The Corporation must be quorate, as defined within the Instrument and Articles of Government, when making decisions. It is good practice for the quorum to be maintained throughout and to apply to all decisions taken during the course of a meeting.
16. A Governor facing a conflict of interest who withdraws from discussion and decision making ceases to count for quorum purposes.